

REMARKS

Claims 1-41 are currently pending in the present application. The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-26, drawn to a barrier, classified in class 296.
- II. Claims 27-41, drawn to a method of forming a barrier, classified in class 264.

Non-elected Claims 27-41 of Invention II, as well as provisionally elected Claims 1-26 of Group I are now pending in the application. The Examiner is respectfully requested to reconsider his restriction requirement because each of the groups of claims is sufficiently related that a serious burden would not be placed upon the Examiner to maintain the two groups of claims in a single application. (See MPEP § 803). Claims 27-41 identifying methods to practice the invention provide sufficient common substance with those of the apparatus claims in the particular area of art that a search regarding the provisionally elected and the non-elected claims should encompass the same art.

The Examiner noted that the application contains claims directed to patentably distinct species of the claimed invention. Per the Examiner, Applicants must elect one of groups A, B or C for examination. Group A defined by the Examiner as shields includes Figures 1, 8 and 9-11. Group B defined by the Examiner as raised ribs includes Figures 2, 3, 4, 5, 11, 12 and 13-14. Group C defined by the Examiner as films includes Figures 6 and 7.

Applicants note each of independent Claims 1, 9, 18 and 23 have been amended herein to further clarify the invention as a polymeric material vehicle barrier having at least one raised element. Applicants further note that each of the Figures of non-elected Group A, Figures 1, 8 and 9-11 disclose the present invention of a polymeric material vehicle barrier having at least one raised element. Applicants still further note that each of the Figures of non-elected Group C, Figures 6 and 7 also further define the polymeric material layer or layers for a polymeric material vehicle barrier having at least one raised element.


Applicants therefore assert that each of Claims 1-26 read on the invention of a polymeric material vehicle barrier having at least one raised element.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 4/14/05

By: 
Paul A. Keller
Reg. No. 29,752

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

PAK/mmk